

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 01-00010-CR-GRAHAM/SIMONTON

UNITED STATES OF AMERICA,

v.

JARED L. D'ARGENIO,

Defendant.

ORDER

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation on Motion for Order to Show Cause Why Defendant Should not be Held in Contempt for His Failure to Comply with Court Order [D.E. 287].

THIS MATTER was assigned to the Honorable United States Chief Magistrate Judge Andrea M. Simonton on March 1, 2018. On January 3, 2019, Magistrate Judge Simonton issued a Report and Recommendation recommending that (1) "Plaintiff United States of America's Motion for Order to Show Cause, ECF No. [261], be GRANTED;" (2) "the Defendant be found in civil contempt of court for violating the Court's Order of November 21, 2017, ECF No. [261], by failing to pay \$3,000.00 in restitution owed at the time of the hearing; and (3) "the Defendant may purge himself of this contempt by paying \$3,000.00 in restitution owed at the time of the hearing. Should the Defendant fail to purge the

contempt found herein by payment of \$3,000.00 within 15 days of any Order adopting this Report and Recommendation, it is recommended that the Defendant be taken into custody and incarcerated until such time as he fully complies with this Court's Order." [D.E. 287 at 22].

Pursuant to 28 U.S.C. § 636 and the Local Magistrate Rules of the Southern District of Florida, the Parties have 14 days after being served with a copy of the Report and Recommendation to serve and file written objections, if any, with the District Court. Failure to file timely objections shall bar the Parties from a de novo determination by the District Court of issues covered in the Report and Recommendation and bar the Parties from attacking on appeal the factual findings contained therein. LoConte v. Dugger, 847 F.2d 745, 749-50 (11th Cir. 1988), cert. denied, 488 U.S. 958 (1988).

OBJECTIONS AND RESPONSES

As of the date of this Order, the Movant has not objected to the Report and Recommendation.

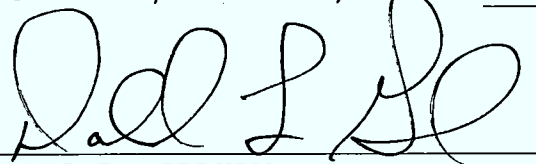
THE COURT'S RULING

After a careful review of the record, this Court affirms the Report and Recommendation because it demonstrates an exhaustive review of the record and makes findings consistent with the law. Accordingly, it is hereby

ORDERED AND AJUDGED that United States Magistrate Judge Andrea M. Simonton's Report and Recommendation on Motion for Order to Show Cause Why Defendant Should not be Held in Contempt for His Failure to Comply with Court Order [D.E. 287] is hereby **RATIFIED, AFFIRMED and APPROVED in its entirety** and is incorporated herein by reference. It is further

ORDERED AND ADJUDGED that the Defendant shall pay \$3,000.00 in restitution within fifteen (15) days. If the Defendant fails to submit such payment, the Defendant will be taken into custody and incarcerated until such time as he fully complies with this Court's Order.

DONE AND ORDERED in Chambers at Miami, Florida, this 23rd day of January, 2019.


DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record